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March 21, 1962

To: The Secretary
Through: S/S
From: Roy D. Kehler
Subject: "Draft Principles" Paper

I attach herewith for your possible use the revised version of the "Draft Principles" paper. The changes in the paper have been communicated to Washington and made available to George Ball, Bill Tyler, Mac Bundy and Harry Owen. The only observations received so far were those which came by phone from Mac Bundy through Henry Owen. I attach a memorandum from Hillenbrand relating to these points.

In revising the "Draft Principles" we looked into the possibility of using the language from the 1955 Geneva Directive of Heads of Government. I think you will agree after reviewing this (copy attached for reference) that this language would not be suitable and that we would do better to stick with the original medium vivendi language which was worked out carefully in the Department.

Attachments:

1. "Draft Principles" Paper.
2. Memo from Hillenbrand to Kehler, March 20, 1962.
3. Excerpt from Directive.

DEPARTMENT OF STATE

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PARTIAL TRANSCRIPTION - ORIGINAL FOLLOWS

DRAFT PRINCIPLES

The US and USSR have been discussing a wide range of subjects. They have agreed, in regard to certain of these subjects on (i) certain general principles to which their governments subscribe; (ii) procedures for continuing negotiation on the basis of these principles by a Committee of Foreign Ministers' deputies, which will be established specifically for this purpose, and which France and the UK will be invited to join; and (iii) certain interim steps to meet immediate dangers in the meantime.

1. Berlin

(a) General Principles: They believe that West Berlin should be free to choose its own way of life, that its visibility should be maintained, and that its access should remain free and unhindered.

(b) Future Negotiations: They agree to study proposals for improving the situation in Berlin consistent with these principles and the vital interests of both sides in the aforementioned committee of Foreign Ministers' deputies.

(c) Interim Steps: In the meantime, they declare that long established access procedures should remain in effect.

2. Germany

(a) General Principles: They believe that the German people have the right to determine their own future and to reestablish the unity of Germany if they so desire, and they wish to facilitate the exercise of this right in a way that will enhance the security of all European peoples.

(b) Future Negotiations: They agree that the authorities in West and East Germany should be invited to establish mixed technical commissions, consisting of officials designated by these authorities, to foresee cultural and technical contacts, promote mutually beneficial economic exchanges, and consider a draft electoral law and other steps toward German reunification.

(c) Interim Steps: In the meantime, they declare that they will ensure that any arrangements into which any of them may enter with any part of Germany will be consistent with the declarations recorded in this announcement, and that any peace treaty which they may conclude with a united Germany will be consistent with the declaration noted under 3 and 4 below.

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The US and USSR have been discussing a wide range of subjects. They have agreed to proceed to certain of these subjects on (1) certain general principles to which their governments subscribe; (2) procedures for continuing negotiations on the basis of these principles by a Committee of Foreign Ministers' delegation, which will be constituted immediately for this purpose, and which France and the UK will be invited to join; and (3) certain specific steps to meet immediate dangers in the situation.

1. Berlin

(a) General Principles: They believe that West Berlin should be free to choose its own way of life, that its visibility should be maintained, and that its access should remain free and unimpeded.

(b) Agency Negotiations: They agree to study proposals for improving the situation in Berlin consistent with these principles and the vital interests of both sides in the aforementioned committee of Foreign Ministers' delegation.

(c) Interior Steps: In the meantime, they declare that long established access procedures should remain in effect.

2. Germany

(a) General Principles: They believe that the German people have the right to determine their own future and to reestablish the unity of Germany if they so desire, and they wish to facilitate the exercise of this right in a way that will enhance the security of all European peoples.

(b) Other Measures: They agree that the authorities in West and East Germany should be directed to establish mixed technical committees consisting of officials designated by their respective governments and technical experts, primarily concerned with economic development, and consider a draft charter, law and other documents related thereto.

(c) Other Measures: The Russians, they declare that they will discuss with the Germans the possibility of this day or days any union with any part of Germany with US consent and with the participation provided in their government, and that any peace treaty when they may conclude with a united Germany will be consistent with the declaratory policy which they set forth below.

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PARTIAL TRANSCRIPTION - ORIGINAL FOLLOWS

3. Nuclear Diffusion

(a) General Principles: They believe that further diffusion of nuclear weapons into the control of national governments not now owning them would make more difficult the problem of maintaining lasting peace.

(b) Future Negotiations: They agree to seek, in the above-mentioned committee (or other appropriate forum) to develop policies regarding non-diffusion of nuclear weapons to which all states owning nuclear weapons might agree and to which states not now owning nuclear weapons might also subscribe.

(c) Interim Steps: In the meantime, they declare that they will not themselves relinquish control over any nuclear weapons to any individual state not now owning such weapons and will refrain from assisting any such state in manufacturing them.

4. Non-Aggression

(a) General Principles: They believe that force should not be used to change existing frontiers and demarcation lines in Europe or for any other aggressive purpose.

(b) Future Negotiations: They agree to seek in the above-mentioned committee (or subcommittee thereof) (i) to develop a suitable declaration regarding non-aggression between the NATO and Warsaw Pact powers; and (ii) to consider measures which might be taken to enable the governments represented on that Commission to communicate and establish their non-aggressive intent in the event of grave crises and otherwise to reduce the risk of war by accident or miscalculation.

(c) Interim Steps: In the meantime, they declare that they will not themselves use or support use of force to change the external borders of Germany or the demarcation line inside Germany, and they note with approval past declarations of the Federal Republic that it will not use force to achieve the reunification of Germany or to settle international disputes.

5. Procedures

Once the proposed Committee of Foreign Ministers' deputies has been established, the Foreign Ministers of countries represented on it should meet periodically, as seems useful, to review its work.

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3. Nuclear Disarmament:

(a) General Principles: They believe that further diffusion of nuclear weapons into the control of national governments not now having them would make more difficult the problem of maintaining lasting peace.

(b) Future Negotiations: They agree to seek, in the above-mentioned committee (or other appropriate form) to develop policies regarding non-diffusion of nuclear weapons to make all states having nuclear weapons既 agree and to which states not now having nuclear weapons might also subscribe.

(c) Existing States: In the meantime, they declare that they will not themselves relinquish control over any nuclear weapons to any individual state not now having such weapons and will refrain from assisting any such state in manufacturing them.

4. Non-Aggression:

(a) General Principles: They believe that force should not be used to change existing frontiers and demarcation lines in Europe or for any other aggressive purpose.

(b) Future Negotiations: They agree to seek in the above-mentioned committee (or a sub-committee thereof) (i) to develop a suitable declaration regarding non-aggression between the NATO and Warsaw Pact Powers; and (ii) to consider measures which might be taken to enable the governments represented on that Committee to communicate and establish their non-aggressive intent in the event of grave crisis and otherwise to reduce the risk of war by accident or miscalculation.

(c) Existing States: In the meantime, they declare that they will not themselves use or support use of force to change the external borders of Germany or the demarcation lines inside Germany, and they note with approval past declarations of the Federal Republic that it will not use force to achieve the reunification of Germany or to settle international disputes.

5. Arbitration:

Once the proposed Committee of Foreign Ministers' deputies has been constituted, the Foreign Ministers of countries represented on it should meet periodically, as soon as useful, to review its work.

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Mr. Kohler

March 20, 1962

Martin J. Hillenbrand

Questions raised by Mac Bundy with Henry Owen of State Department.

During a phone call on the NY9 Circuit with Henry Owen to convey to the Acting Secretary via him changes made in the text of the modus vivendi since the departure of the Secretary from Washington, Henry mentioned that two questions had been asked by Mac Bundy arising out of the discussions so far with the Soviet.

1. Are the Soviets aware that our modus vivendi approach is not intended to provide a rigid and definitive settlement but, through the establishment of a more or less institutionalized forum for discussion, to provide an opportunity for the discussion of other subjects of interest to the Soviets?

2. With the elimination of the clause in paragraph 1(b) of the draft principles, are the Soviets aware from what has been said that the purpose of our modus vivendi is not specifically to prevent their signing of a peace treaty with the GER but to stabilize the situation within a context which allows for at least some token action on their part with respect to the GER?

Since affirmative answers to both of these questions are inherent in the modus vivendi approach, you may want to suggest to the Secretary that, at a suitable point, he may wish to clarify the intent of our position on each of these matters to Gromyko.

USDeI:MHillenbrand:clm:3/20/62

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Excerpt from Geneva Directive of the Heads of Government of the Four Powers to the Foreign Ministers, July 23, 1955.

The Heads of Government, recognizing their common responsibility for the settlement of the German question and the re-unification of Germany, have agreed that the settlement of the German question and the re-unification of Germany by means of free elections shall be carried out in conformity with the national interests of the German people and the interests of European security. The Foreign Ministers will make whatever arrangements they may consider desirable for the participation of, or for consultation with, other interested parties.

DEPARTMENT OF STATE

REVIEWED BY
1. ✓ MR. H. R. C.
2. ✓ MR. J. D. C.
3. ✓ MR. J. D. C.
4. ✓ MR. J. D. C.
5. ✓ MR. J. D. C.

June 23, 1971

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